REMARKS

Claims 1-15 are pending in the application. The Examiner rejects claims 1, 2, 4, 6, 7, 9, 11, 12, and 14 under U.S.C. §103(a) as being unpatentable over Wang (U.S. Patent No. 6,118,817) in view of Ackland et al. (U.S. Patent No. 5,739,562). The Examiner rejects claims 3, 8, and 13 under U.S.C. §103(a) as being unpatentable over Wang in view of Ackland and in view of Voois (U.S. Patent No. 6,404,776). The Examiner rejects claims 5, 10, and 15 under U.S.C. §103(a) as being unpatentable over Wang in view of Ackland and in view of Leidig (U.S. Patent No. 5,822,625).

Claims 1-15 remain in the application.

Applicant adds no new matter and requests reconsideration.

Claim Rejections - 35 U.S.C. §103

The Examiner rejects claims 1, 2, 4, 6, 7, 9, 11, 12, and 14 under U.S.C. §103(a) as being unpatentable over Wang in view of Ackland. Applicants respectfully traverse this rejection, as the combination of Wang and Ackland fail to create a *prima facie* case of obviousness for any rejected claim.

Claim 1 recites *computing a bandwidth constrained frame rate from a frame size* and *a bandwidth*. Claims 6 and 11 recite similar limitations. According to the Examiner, Wang's primary open loop rate control 202 computes the recited bandwidth constrained frame rate. Primary open loop rate control 202, however, computes a target frame size for a current frame from a preset frame rate. Wang, col. 8, ll. 2-6; col. 16, ll. 9-42. Furthermore, Wang discloses adjusting, not computing, its frame rate depending upon the cumulative amount of the surplus or deficit bandwidth resulting from the previously encoded frames. Wang, figure 8; col. 15, ll. 13 – col. 16, ll. 8. Since Wang does not disclose computing the bandwidth constrained frame rate, the combination of Wang and Ackland cannot obviate claims 1, 6 or 11, and their corresponding dependent claims.

Claim 1 further recites *determining whether the computed bandwidth constrained frame rate is smaller than a requested rate of video frames from the imager*. Claims 6 and 11 recite similar limitations. The Examiner alleges that Wang's maximum and minimum thresholds disclose the recited requested rate of video frames from the imager. Maximum and minimum thresholds, however, are not *requested from an imager*, but are predetermined values that are adjusted when Wang's frame rate controller 120 adjusts its frame rate. Wang, col. 16, ll. 9-42. Furthermore, maximum and minimum thresholds are not *rates of video*

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frames, but are percentages of allowable bandwidth deficits and surpluses, respectively. Wang, col. 15, ll. 32-36; col. 16, ll. 9-42. Since Wang does not disclose the recited requested rate of video frames from the imager, the combination of Wang and Ackland cannot obviate claims 1, 6 or 11, and their corresponding dependent claims.
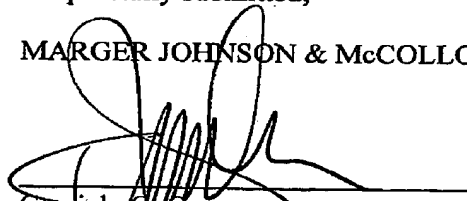
Furthermore, neither Wang nor Ackland provide any motivation to combine the inventions described therein. The Examiner alleges, to reduce noise and improve image quality, that "it would have been obvious for one skilled in the art to have been motivated to include the concept of determining an integration time based on the current frame rate as taught in Ackland in the video signal encoder disclosed by Wang." Final Office Action, page 5. This combination, however, would not have provided motivation for using an integration time, or frame rate, to reduce noise since Wang reduces its frame rate "as a last resort to prevent loss of frames or part or all of the transmitted motion video signal due to unavailable bandwidth." Wang, col. 16, ll. 58-61. In other words, Wang adjusts its frame rate in response to potential frame loss caused by unavailable bandwidth, and not to reduce noise based on an integration time computed from a frame rate. Thus combining the references, as the Examiner suggests, is to no avail. Applicant therefore respectfully requests that this rejection be withdrawn and the pending claims be allowed to issue.

Conclusion

Applicant requests reconsideration and allowance of all claims. Applicant encourages the Examiner to telephone the undersigned at (503) 222-3613 if it appears that an interview would be helpful in advancing the case.

Respectfully submitted,

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